

REMARKS/ARGUMENTS

The Examiner is thanked for the Office Action mailed May 28, 2009. The status of the application is as follows:

- Claims 1-22 are pending, and claims 1, 4-6, 12-15, 18 and 22 have been amended; and
- Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Fu et al. (US 2002/0169584 A1).

The rejections are discussed below.

Claim Informalities

Claims 4, 13 and 22 have been amended for informalities and the amendments do not address issues of patentability.

The Rejection of Claims 1-22 under 35 U.S.C. 102(e)

Claims 1-22 stand rejected under 35 U.S.C. 102(e) as being anticipated by Fu et al. This rejection should be withdrawn because the claims have been amended to include claim aspects not taught or suggested by the prior art. More particularly, amended independent **claim 1** is directed towards an apparatus that includes, *inter alia*, a wireless transmitter attached to a portable monitoring device and configured for automatically, wirelessly and directly communicating an occurrence of a predefined abnormal condition to a portable phone upon detection by the device of the occurrence, the phone being configured to make an emergency call upon receiving the communication **by dialing a phone number of a phone belonging to a designated individual**. Fu et al. does not teach or suggest at least the emphasized claim aspect.

Fu et al. teaches a system and method for a mobile monitoring system including monitoring an entity with a portable monitoring device, recording information based on the monitoring, communicating the information to a wireless communication device (which may be a cellular phone, see ¶ [0027]) when an emergency situation is detected based on the monitoring, forwarding the information from the wireless communication device to a server, determining an action to be taken based upon the information, and taking the action (abstract). However, Fu et al. does not teach or suggest that the wireless communication device communicating with the portable monitoring device dials a phone number of a phone belonging to a designated individual

as required by claim 1. At most, Fu et al. teaches that a wireless communication device establishes a connection with a health monitor server (§ [0028]) and the health monitor server determines if a patient has certain specified conditions and whether the health monitor server should contact appropriate emergency medical personnel (§ [0029]). Accordingly, this rejection should be withdrawn.

Amended **claim 5** indirectly depends from claim 1 and includes, *inter alia*, that the phone is configured to play **a pre-recorded message for the designated individual** on the call when the call is answered. Fu et al. does not teach or suggest the emphasized claim aspect. As discussed above, the cited sections of Fu et al. teach that a communication device which may be a cell phone establishes a connection with a health monitor server and the health monitor server contacts appropriate emergency medical personnel by, for example, calling 911 with the location of the patient using a pre-recorded message. Accordingly, this rejection should be withdrawn.

Amended independent **claim 6** is directed towards a system and includes claim aspects similar to those recited in claim 1. As such, the above discussion with respect to claim 1 applies *mutatis mutandis* to claim 6. In addition, amended claim 6 requires calling the phone number of a phone belonging to a designated individual **until the designated individual personally answers the call**, the phone being further configured to play a pre-recorded message **for the designated individual** on the call when the call is answered. The cited sections of Fu et al. are silent with respect to the emphasized claim aspects. At most, the cited sections of Fu et al. teach that a communication device which may be a cell phone establishes a connection with a health monitor server and the health monitor server contacts appropriate emergency medical personnel by, for example, calling 911 with the location of the patient using a pre-recorded message. Accordingly, this rejection should be withdrawn.

Amended independent **claim 12** is directed towards a method and includes claim aspects similar to those recited in claims 1 and 6. As such, the above discussions with respect to claims 1 and 6 apply *mutatis mutandis* to claim 12. In addition, amended claim 12 requires dialing **phone numbers stored in the phone**, each of the phone numbers being associated with **a phone belonging to a designated individual**. The cited sections of Fu et al. do not teach or suggest the emphasized claim aspects. More particularly, the cited sections of Fu et al. do not teach or suggest that the communication device dials phone numbers stored in the device, each of the

phone numbers being associated with a phone belonging to a designated individual. Accordingly, this rejection should be withdrawn.

Amended **claim 14** depends from claim 12 and includes claim aspects similar to those recited in claim 5. As such, the above discussion with respect to claim 5 applies *mutatis mutandis* to claim 14, and this rejection should be withdrawn.

Amended independent **claims 15 and 18** are respectively directed towards a method and an apparatus and include claim aspects similar to those recited in claims 1 and 12. As such, the above discussions with respect to claims 1 and 12 applies *mutatis mutandis* to claims 15 and 18, and these rejections should be withdrawn.

Claim 20 depends from claim 18 and includes, *inter alia*, that selected locations can be predefined with location labels. The Office asserts that Fu et al. teaches these claim aspects at ¶¶ [0028]–[0029]. Applicant respectfully disagrees. The cited sections of Fu et al. are silent with respect to this claim aspect. At most, these sections of Fu et al. teach that a communication device determines the location of a patient using a location server, an attached GPS locator module, or other type of locating device which may be relayed via a health monitor server to 911 or other medical personnel. Accordingly, this rejection should be withdrawn.

Claim 21 depends from claim 18 and includes, *inter alia*, that the emergency contact that is closest to the location is notified first. The Office asserts that Fu et al. teaches this claim aspect at ¶¶ [0028]–[0029]. Applicant respectfully disagrees. The cited sections of Fu et al. are silent with respect to this claim aspect. At most, these sections of Fu et al. teach that a health monitor server determines if a patient has certain specified medical conditions and informs appropriate emergency or other medical personnel of these conditions and the location of the patient. Accordingly, this rejection should be withdrawn.

Claims 2-4, 7-11, 13, 16-17, 19 and 22 respectively depend from claims 1, 6, 12, 15, and 18, and are allowable at least by virtue of their dependencies.

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Conclusion

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink that reads "Michael J. Corrigan". The signature is written in a cursive, slightly slanted style.

Michael J. Corrigan, Reg. No. 42,440
Driggs, Hogg, Daugherty & Del Zoppo Co., L.P.A.
38500 Chardon Road
Willoughby Hills, Ohio 44094
Phone: 1.440.391.5100
Fax: 1.440.391.5101

Direct all correspondence to:
Philips Intellectual Property & Standards
Customer Number 38107